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**SF 403** – Equipment Rental Services, Theft (LSB2618SV)  
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Fiscal Note Version – New

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### **Description**

**Senate File 403** amends Iowa Code sections [714.1\(9\)](#) and [714.6A](#) by specifically including equipment rental property in the definition of theft. This Bill provides that theft occurs when a person obtains the temporary use of equipment rental property with the intent to deprive the owner of the property without consent, or lawfully obtains the temporary use of equipment rental property and fails to return the property by the agreed time with the intent to deprive the owner of the property without consent.

### **Background**

Currently, Iowa Code section [714.1\(9\)](#) provides that theft occurs when a person obtains the temporary use of video rental property with the intent to deprive the owner of the property without consent, or lawfully obtains the temporary use of video rental property and fails to return the property by the agreed time with the intent to deprive the owner of the property without consent. Senate File 403 would extend this category of theft to include equipment rental property.

### **Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay, revocation rates, and plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15 per day.

### **Impacts**

#### **Minority Impact**

This Bill expands the definition of theft and there is no historical data to determine a minority impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2017, for information related to minorities in the criminal justice system.

#### **Correctional Impact**

The correctional impact cannot be estimated because there is no historical data for the expanded definition of theft.

Under current law, the penalty for theft ranges from a simple misdemeanor to a Class C felony depending on the value of the property and circumstances of the theft. **Table 1** contains estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for offenders convicted of a simple misdemeanor, serious misdemeanor, aggravated misdemeanor, Class D felony, or Class C felony.

**Table 1**

<b>Offense Class</b>	Percent to Prison	Avg LOS Prison (months)	FY 16 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 16 Avg Cost/Day Parole & Probation	Percent to CBC	FY 16 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail (days)
Simple Misd	2.0%	5.9	\$18.51	N/A	60.0%	16.1	\$4.59	1.0%	\$10.28	72.0%	28	\$15.00
Serious Misd	2.0%	5.9	\$18.51	N/A	60.0%	16.1	\$4.59	1.0%	\$10.28	72.0%	28	\$15.00
Agg Misd Non-Persons	20.0%	7.0	\$18.51	6.2	33.0%	20.1	\$4.59	2.0%	\$10.28	39.0%	27	\$15.00
D Felony Non-Persons	74.0%	11.7	\$18.51	13.0	67.0%	31.6	\$4.59	11.0%	\$10.28	27.0%	N/A	\$15.00
C Felony Non-Persons	75.0%	19.5	\$18.51	19.4	65.0%	34.9	\$4.59	12.0%	\$10.28	25.0%	N/A	\$15.00

Refer to the LSA memo addressed to the General Assembly, [Correctional Impact Memo](#), dated January 30, 2017, for information related to the correctional system.

### **Fiscal Impact**

The fiscal impact cannot be estimated because there is no historical data available on the new category of theft under this Bill. **Table 2** contains estimates for the average State cost per offense class type.

**Table 2**

<b>Offense Class</b>	<b>Total Minimum Cost</b>	<b>Total Maximum Cost</b>
Simple Misdemeanor	\$30	\$330
Serious Misdemeanor	\$250	\$4,200
Aggravated Misdemeanor	\$3,100	\$7,000
Class D Felony	\$6,300	\$12,300
Class C Felony	\$7,500	\$18,600

### **Sources**

Department of Human Rights, Division of Criminal and Juvenile Justice Planning

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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